

REMARKS

Applicant has reproduced the pending claims as they are now believed to stand as is spelled out in the Revised Amendment requirements.

Applicant hereby elects luteolin as the species for prosecution.

Applicant is somewhat unclear as to why the Examiner finds that Claims 8 and 10 are generic. The applications presently contains two independent claims, namely Claims 8 and 18. Claim 18 is specific in that it calls out a single flavonoid—namely the elected species luteolin. Claim 8 is clearly generic in that it contains a Markush grouping of flavonoids. Applicant does not see how dependent Claim 10 is generic since it calls out a very specific mixture of flavonoids. Since Claim 8 is constructed so that mixtures of flavonoids are species, Claim 10 would appear to be specific rather than generic. If the Examiner believes that there is a second generic claim (in addition to Claim 8), applicant would appreciate an explanation of such a belief.

At this point it is believed that Claims 8-10 and Claims 18-22 all read on the elected species. Clearly, independent Claims 8 and 18 read on luteolin and since the dependent claims are all structured to be narrower, they must also read on the elected species where the base claim reads on that species. Further, all of the claim dependent on Claim 8 actually explicitly require the presence of luteolin.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner still finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number listed below to discuss the steps necessary for placing the application in condition for allowance.

You are hereby authorized to charge any fees due and refund any surplus fees to our Deposit Account No. 50-2567.

Respectfully submitted,

REED SMITH CROSBY HEAFEY

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